

Proposed Zoning Amendments Section 5.10

February 28, 2022



Recent Regulatory Updates

November 30, 2020:

- Approved new medical- and adult-use regulations and phased out 935 CMR 502, Colocated Adult-Use and Medical-Use Marijuana Operations
- Most recent regulations published May 5, 2021 (effective January 8, 2021)
- Under the Commission's regulations, licensed delivery service will be able to occur within:
 - A municipality which the delivery licensee has identified as its place of business;
 - Any municipality which allows for adult-use retail within its borders; or
 - Any municipality that has notified the Commission that delivery may operate within its borders.



* The 3% Local Tax will be allocated to Grafton if sales originate from a Grafton based business, even if delivery destination is outside of Grafton

** Current Regulations may be accessed at: https://masscannabiscontrol.com/wp-content/uploads/2021/05/210416_Adult_Use_Regulations.pdf

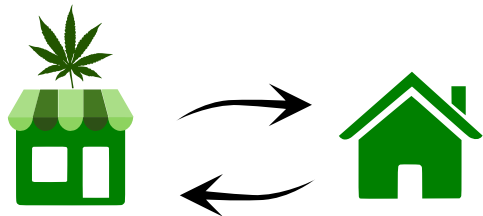
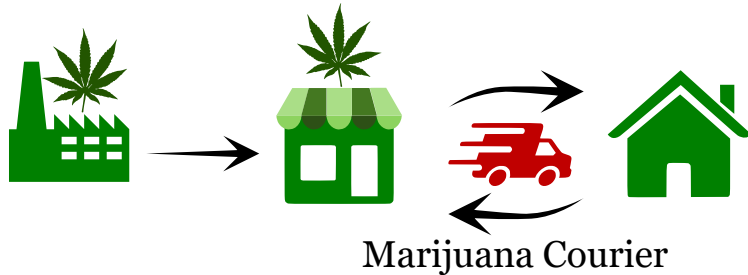


Delivery Licenses

Marijuana Delivery Licenses

Two “Stand-alone” types:

- **Marijuana Courier**: allowed to deliver marijuana and marijuana products to consumers and patients from a **Marijuana Retail Establishment** or Medical Marijuana Treatment Center (**cannot store** marijuana and marijuana products overnight)
- **Marijuana Delivery Operator**: allowed to purchase marijuana and marijuana products from licensed Marijuana Cultivators and **Marijuana Product Manufacturers** and sell and deliver to consumers (**may securely store** on its premises marijuana and marijuana products that have been purchased at wholesale for eventual resale to consumers)



One “Expanded” type:

- **Delivery Endorsement**: expanded permission to perform delivery operations that is added to an existing license.

Current Zoning Bylaw silent on Delivery creating uncertainty

Proposed Amendments

Section 5.10.2 – Definitions

- Add “Marijuana Courier”; “Marijuana Delivery Operator”; and “Delivery Endorsement”
- Utilize existing CCC definitions for vertical consistency (consider some minor adjustments)

Section 5.10.5.a. All aspects of a Marijuana Establishment, RMD, OMMD, or MR relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business. **This shall not apply to dispensing or delivery operations associated with an approved Marijuana Courier, Marijuana Delivery Operator or Delivery Endorsement which has provided a Delivery Operations Plan to the Special Permit Granting Authority.**

5.10.7.a. The proposed uses shall not be located within five hundred (500) feet of the following, as measured from the building and/or area actively used:

1. A building containing another Marijuana Establishment, RMD, OMMD, or MR, except for facilities that are owned or leased by the same operator. **Only one (1) Marijuana Courier, Marijuana Delivery Operator or Delivery Endorsement shall be co-located with an approved RMD, OMMD, or MR; or**



Hours of Operation

Current:

Section 5.10.4.b: The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

Proposed:

Section 5.10.4.b: The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of **10:00 p.m.** and 8:00 a.m., **including the dispatch of home deliveries.**

Many surrounding towns allow the SPGA to set the hours without restrictions



Condition of Approval Considerations

The Applicant shall provide a Delivery Operations Plan to be reviewed and approved by the Special Permit Granting Authority and Grafton Police Chief. The Delivery Operations Plan shall include at a minimum:

- Specifications of proposed delivery vehicles including number of vehicles, vehicle type, logos, etc.
- Delivery procedures
- Security procedures and staffing considerations

Any information deemed sensitive to security of operations may be provided directly to the Grafton Police Chief for a recommendation to the Special Permit Granting Authority.

The Special Permit will lapse one (1) year from the date of expiration of the appeal period. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

(Start with one year, consider extending period of validity after consistent operations without issue, can be revoked after lapse if consistent issues arise)





THANK YOU

Questions/Discussion

